

Panaji, 15th April, 1976 (Chaitra 26, 1898)

SERIES I No. 3

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN
AND DIU

Labour and Information Department

Notification

Home Department (Transport and Accommodation)

1/292/75-LAB/614

Notification

HD(TA-Tpt)/1-21/74

Whereas certain draft rules further to amend the Goa, Daman and Diu Motor Vehicles Rules, 1965 were published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), at page 343 of the Official Gazette, No. 34, Series I, dated 20-11-1975 under the Notification No. HD(TA-Tpt)/1-21/74 dated 10-11-1975 of the Home Department, Government of Goa, Daman and Diu, inviting objections and suggestions from all persons likely to be affected thereby till thirty days from the date of publication of the said notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 20-11-1975;

And whereas no objections and suggestions have been received from the public on the said draft by the Government;

Now, therefore, in exercise of the powers conferred by clause (ww) of sub-section (2) of section 68 of the Motor Vehicles Act, 1939 (4 of 1939), as applicable to the Union territory of the Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Thirty Second Amendment) Rules, 1976.

(2) They shall come into force at once.

2. **Amendment of rule 4.80.**— In rule 4.80 of the Goa, Daman and Diu Motor Vehicles Rules, 1965, for the words "If a duplicate agent's licence is granted" the words "If a duplicate of agent's licence is granted" shall be substituted.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 5th April, 1976.

Whereas the Lt. Governor of Goa, Daman and Diu is satisfied that it is necessary in the public interest that the Industry engaged in the production, supply and distribution of petroleum and petroleum products should be declared as Public Utility Service for the purposes of Industrial Disputes Act, 1947 (No. 14 of 1947).

Now, therefore, in exercise of the powers conferred under sub-clause (vi) of Clause (n) of Section 2 of the said Act, the Lt. Governor of Goa, Daman and Diu hereby declares the industry engaged in the supply and distribution of petroleum products to be public utility service for the purposes of the said Act for a period of six months with effect from 1st April, 1976.

By order and in the name of Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 2nd April, 1976.

Urban Development Department

Notification

4-41-74-UDD

In exercise of the powers conferred by clauses (b) and (c) of sub-section (2) of section 140 read with sections 5 and 7 of the Goa, Daman and Diu, Town & Country Planning Act, 1975 (Act 21 of 1975) and of all other powers enabling it in that behalf, the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short title.**— These rules may be called the Goa, Daman and Diu Town and Country Planning Board Rules, 1976.

2. **Definitions.**— In these rules, unless the context otherwise requires.—

(a) 'Act' means the Goa, Daman and Diu Town and Country Planning Act, 1975 (Act 21 of 1975);

(b) 'Section' means a section of the Act;

(c) Words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

3. Term of office and conditions of service of members of Board.

(1) Save as otherwise provided in these rules the members of the Board referred to in clauses (j) and (l) of sub-section (2) of section 4 shall hold office for a period of two years from the date of the notification constituting the Board under sub-section (1) of section 4:

Provided that, the Government may, at the request of the Board, by a notification extend the term of office of the aforesaid members by such period or periods not exceeding one year at a time as it deems fit:

Provided further that, a member who has been appointed by virtue of his being a member of the Legislative Assembly shall not continue as a member of the Board, if he ceases to be a member of the Legislative Assembly.

(2) If the Government is of opinion that any member is guilty of misconduct in the discharge of his duties, or is incompetent or is incapable of performing his duties as such member, or should for any other good and sufficient reason be removed, the Government may, after giving the member an opportunity of showing cause against his removal, remove him from office.

(3) A member shall cease to be a member of the Board, if he —

(i) is declared to be unsound mind by a competent court; or

(ii) is adjudged insolvent; or

(iii) has been convicted by any court in India of any offence, and sentenced to imprisonment for not less than two years; or

(iv) is absent without the permission of the Board in writing from three consecutive meetings thereof or from all the meetings of the Board for six consecutive months.

4. *Manner of filling casual vacancies.*— In the event of a vacancy in the office of any member of the Board, the vacancy shall be filled by the Government and the person so appointed shall hold office so long only as the member in whose place he is appointed would have held office, if the vacancy had not occurred.

5. *Allowances payable to non-official members of Board for attending its meetings.*— A non-official member shall draw travelling and daily allowances, as admissible to a Grade I Officer of the Government of Goa, Daman and Diu, according to Rule 190 of Supplementary Rules, as amended from time to time and as per Government of India and Audit decisions thereunder.

6. The procedure to be followed in regard to the transaction of business at the meetings of Board. —

(1) The Board shall meet at such time and place as the Chairman may determine.

(2) Twenty days notice at the least specifying the place, date and the hour of the meeting and

the agenda shall be given to the members, but the non-receipt of such a notice by any member shall not invalidate the proceedings of the meeting.

(3) The Chairman and in his absence, the Vice-Chairman (if any) and in the absence of the Chairman and Vice-Chairman, any other member chosen by the members present from amongst themselves, shall preside at a meeting of the Board.

(4) The quorum necessary for the transaction of business at any meeting of the Board shall be one-half of the total number of members of the Board. If the requisite number of members is not present, the meeting shall stand adjourned for ten minutes and held as an adjourned meeting not requiring a quorum.

(5) The order in which the business shall be transacted at any meeting shall be determined by the presiding authority.

(6) All questions at a meeting of the Board shall be decided by a majority of votes of the members present and voting; and in the case of an equality of votes, the person presiding shall have a second or a casting vote.

(7) A member, who is directly or indirectly concerned or interested in any proposal before the Board or is professionally interested on behalf of a principal or other person in any matter concerning the Board, or is engaged in any proceedings against the Board, shall, at the earliest possible opportunity, disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board. The said member shall not be present at any meeting of the Board when such proposal is discussed, unless his presence is required by the other members for the purpose of eliciting information, but no member so required to be present shall vote on any such proposal:

Provided that a member shall not be deemed to be concerned or interested as aforesaid by reason only of his being a shareholder of a company concerned in such proposal.

(8) Minutes containing the names of the members present and others who attended the meetings of the Board under the provisions of the Act, and of the proceedings of each meeting shall be kept in English in a minute book to be maintained for this purpose. The names of the members voting for or against any proposal or motion shall be recorded in the minute book. The minutes shall be signed, as soon as practicable, by the presiding authority of such meeting. Such minutes shall be placed before the next meeting of the Board and shall, after confirmation by the Board, be signed by the presiding authority of such meeting, and shall be open to inspections by any member during office hours.

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (U. D. D.).

Panaji, 2nd April, 1976.

Public Health Department

Notification

V-9-69/GMC/9118

In continuation of Government Notification of even number dated 21-3-1970 Government is pleased to direct that for single qualitative test (Pregnancy) Rs. 25/- (Rupees twenty five) and for quantitative test (multiple tests) (Pregnancy) Rs. 50/- (Rupees fifty only) shall be charged.

The other conditions mentioned in Government Notification of even number dated 21-3-1970 will remain unaltered.

This issues with the concurrence of Finance Department vide their U. O. No. Fin(E)/1268/76 dated 26-3-1976.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Health).

Panaji, 9th April, 1976.

Law and Judiciary Department

Notification

LD/945/76

The following notification received from the Government of India, Ministry of Labour New Delhi, is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 3rd March, 1976.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

Dated New Delhi-110001, the 4th February, 1976

Notification

S. O. — In exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby adds to Part I of the Schedule, to that Act the following employments, notice of its intention to do so having already been given by the notification of Government of India in the Ministry of Labour No. S. O. 2396, dated the 11th July, 1975 as required by the said section, namely: —

- a) employment in quartzite mines;
- b) employment in quartz mines; and
- c) employment in silica mines.

Sd/-

HANS RAJ CHABBRA

Deputy Secretary

[S-32017(2)/74-WC(MW)]

Notification

LD/656/76

The following notification received from the Government of India, Ministry of Labour New Delhi, is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 4th March, 1976.

Dated, New Delhi, the 24th January, 1976

Notification

S. O. — In exercise of the powers conferred by sub-section (3) of section 1 of the Equal Remuneration Ordinance, 1975 (12 of 1975), the Central Government hereby appoints the 27th day of January, 1976 as the date on which the said Ordinance shall come into force in respect of employments in hospitals, nursing homes and dispensaries.

Sd/-

D. S. NIM

Joint Secretary to the Govt. of India

[No. P. 11025/61/75-WC]

Notification

LD/565/76

The following notification received from the Government of India, Ministry of Labour New Delhi, is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 4th March, 1976.

Dated New Delhi-110001, 22nd November, 1975

Notification

In exercise of powers conferred by sub-section (1) of section 15 of the Payment of Gratuity Act, 1972 (39 of 1972), the Central Government hereby makes the following Rules to amend the Payment of Gratuity (Central) Rules, 1972, namely: —

(1) These Rules may be called the Payment of Gratuity (Central) Amendment Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Payment of Gratuity (Central) Rules, 1972 —

(a) In rule 20, after the words "made thereunder" the words "as given in Form 'U' shall be inserted;

(b) after Form "T" the following Form, shall be inserted, namely: —

«FORM 'U'»

Abstract of the Act and Rules

1. Extent of the Act. — The Act extends to the whole of India: Provided that in so far as it relates to plantations or ports it shall not extend to the State of Jammu and Kashmir [Section 1(2)].

2. To whom the Act applies — The Act applies to (a) every factory mine, oilfield, plantation, port and railway company; (b) every shop or establishment within the meaning of any law for the time being in force in relation to shops and establishments in State, in which ten or more persons are employed, or were employed, on any day of the proceeding twelve months; and (c) such other establishments or class of establishments, in which ten or more employees are employed, or were employed, on any day of the preceding twelve months, as the Central Government may, by notification, specify in this behalf. (Section 1(3)).

3. Definitions. — (a) "Appropriate Government" means (i) in relation to an establishment;

(a) belonging to, or under the control of, the Central Government;

(b) having branches in more than one State;

(c) of a factory belonging to, or under the control of, the Central Government;

(d) of a major port, mine, oil field or railway company the Central Government,

(ii) in any other case, the State Government. (Section 2 (a))

(b) "Completed year of service" means continuous service for one year; (Section 2 (b))

(c) "Continuous Service" means uninterrupted service and includes service which is interrupted by sickness, accident, leave, lay-off, strike or a lock-out or cessation of work not due to any fault of the employee concerned, whether such un-interrupted or interrupted service was rendered before or after the commencement of this Act.

Explanation I — In the case of an employee who is not in uninterrupted service for one year, he shall be deemed to be in continuous service if he has been actually employed by an employer during the twelve months immediately preceding the year for not less than —

(i) 190 days, if employed below the ground in a mine, or

(ii) 240 days, in any other case, except when he is employed in a seasonal establishment.

Explanation II — An employee of a seasonal establishment shall be deemed to be in continuous service if he has actually worked for not less than seventy-five per cent for the number of days on which the establishment was in operation during the year, (Section 2(c)).

(d) "Controlling authority" means an authority appointed by an appropriate Government under Section 3 (Section 2(d))

(e) "family" in relation to an employee, shall be deemed to consist of —

(i) in the case of a male employee, himself, his wife, his children, whether married or unmarried, his dependent parents and the widow and children of his predeceased son, if any,

(ii) in the case of a female employee, herself, her husband, her children, whether married or unmarried her dependent parents and the dependent parents of her husband and the widow children of her predeceased son, if any;

Provided that if a female employee, by a notice in writing to the controlling authority, expresses her desire to exclude her husband from her family, the husband and his dependent parents shall no longer be deemed, for the purposes of this Act, to be included in the family of such female employee unless the said notice is subsequently withdrawn by such female employee.

Explanation: Where the personal law of an employee permits the adoption by him of a child, any child lawfully adopted by him shall be deemed to be included in his family, and where a child of an employee has been adopted by another person and such adoption is under the personal law of the person making such adoption, lawful, such child shall be deemed to be excluded from the family of the employee (Section 2(h)).

4. Nomination. — (1) Each employee, who has completed one year of service, after the commencement of the Payment of Gratuity (Central) Rules, 1972 shall make within thirty days of completion of one year of service, a nomination (Section 6(1) read with rule 6(1)).

(2) If an employee has a family at the time of making a nomination, the nomination shall be made in favour of one or more members of his family and any nomination made by such employees in favour of a person who is not a member of his family shall be void. (Section 6(3)).

(3) If at the time of making a nomination, the employee has no family, the nomination can be made in favour of any person or persons, but if the employee subsequently acquires a family, such nomination shall forthwith become invalid and the employee shall make within 90 days a fresh nomination in favour of one or more members of his family. (Section 6(4) read with Rule 6(3)).

(4) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the employee or, if illiterate, shall bear his thumb impression in the presence of two witnesses, who shall also sign declaration to that effect in that nomination, fresh nomination or notice of modification of nomination as the case may be (Rule 6(5)).

(5) A nomination may, subject to be provisions of sub-section (3) and (4) of Section 6 be modified by an employee at any time after giving to his employer a written notice of his intention to do so. (Section 6(5)).

(6) A nomination or fresh nomination or notice of modification of nomination shall take effect from the date of receipt of the same by the employer. (Rule 6(6)).

5. Application for Gratuity. — (1) An employee who is eligible for payment of gratuity under the Act, or any person authorised in writing, to act on his behalf, shall apply ordinarily within thirty days from the date the gratuity become payable.

Provided that where the date of superannuation or retirement of an employee is known, the employee may apply to the employer before thirty days of the date of superannuation or retirement. (Rule 7(1)).

(2) A nominee of an employee who is eligible for payment of gratuity shall apply ordinarily within thirty days from the date the gratuity became payable to him, to the employer. (Rule 7(2)).

(3) A legal heir of an employee who is eligible for payment of gratuity shall apply, ordinarily within one year from the date the gratuity became payable to him, to the employer. (Rule 7(3)).

(4) An application for payment of gratuity filed after the expiry of the periods specified above shall also be entertained by the employer if the applicant adduces a sufficient cause for the delay. (Rule 7(5)).

6. Payment of Gratuity. — (1) Gratuity shall be payable to an employee on the termination of his employment after he has rendered continuous service for not less than five years, —

- (a) on his superannuation, or
- (b) on his retirement or resignation, or
- (c) on his death or disablement due to accident or disease.

Provided that the completion of continuous service of five years shall not be necessary where the termination of the employment of any employee is due to death or disablement.

Disablement means such disablement which is incapacitates an employee for the work which he was capable of performing before the accident or disease resulting in such disablement. (Section 4(1)).

(2) For every completed year of service or part thereof in excess of six months, the employer shall pay gratuity to an employee at the rate of fifteen days' wages based on the rate of wages last drawn by the employee concerned.

Provided that in the case of a piece-rated employee, daily wages shall be computed on the average of the total wages received by him for a period of three months immediately preceding the termination of his employment, and, for this purpose, the wages paid for any overtime work shall not be taken into account.

Provided further that in the case of an employee employed in a seasonal establishment, the employer shall pay the gratuity at the rate of seven days' wages for each season. (Section 4(2)).

(3) The amount of gratuity payable to an employee shall pay the gratuity at the rate of seven days' wages (Section 4(3)).

7. Forfeiture of Gratuity. — (1) The gratuity of an employee, whose services have been terminated for any act, wilful omission or negligence causing any damage or loss to, or destruction of, property belonging to the employer, shall be forfeited to the extent of the damage or loss so caused;

(2) The gratuity payable to an employee shall wholly forfeited —

(a) if the services of such employee have been terminated for his riotous or disorderly conduct or any other act of violence on his part, or

(b) if the services of such employee have been terminated for any act which constitutes an offence involving moral turpitude, provided that such offence is committed by him in the course of his employment. (Section 4(6)).

8. Notice of opening, change or closure of the establishment. — (1) A notice shall be submitted by the employer to the controlling authority of the area within thirty days of any change in the name, address, employer or nature of business (Rule 3(2)).

(2) Where an employer intends to close down the business he shall submit a notice to the controlling authority of the area at least sixty days before the intended closure. (Rule 3(3)).

9. Application to controlling authority for direction. — If an employer —

(i) refuses to accept a nomination or to entertain an application for payment of gratuity, or

(ii) issues a notice either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or

(iii) having received an application for payment of gratuity fails to issue notice within fifteen days the claimant employee, nominee, or legal heir, as the case may be, may within ninety days of the occurrence of the cause for the application, apply to the controlling authority for issuing a direction under sub-section (4) of Section 7 with as many as extra copies as are the opposite party.

Provided that the controlling authority may accept any application on sufficient cause being shown by the applicant after the expiry of the period of ninety days. (Rule 10).

10. Appeal. — Any person aggrieved by an order of the controlling authority may, within sixty days from the date of the receipt of the order, prefer an appeal to the Regional Labour Commissioner (Central) of the area, who has been appointed as the appellate authority by the Central Government.

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by a further period of sixty days. (Section 7(7)).

11. Machinery for enforcement of the Act or Rules in Central sphere. — All Assistant Labour Commissioners (Central) have been appointed as Controlling Authorities and all the Regional Labour Commissioners (Central) as Appellate Authorities.

12. Powers of the controlling authority.— The Controlling Authority for the purpose of conducting an inquiry as to the amount of gratuity payable to an employee or as to the admissibility of any claim of, or in relation to, an employee for payment of gratuity, or as to the person entitled to receive the gratuity, shall have the same powers as are vested in a court, under the Code of civil Procedure, 1908 in respect of the following matters, namely;

- (a) enforcing the attendance of any person or examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commissions for the examination of witnesses. (Section 7(5)).

13. Recovery of Gratuity.— If the amount of gratuity payable is not paid by the employer, within the prescribed time, to the person entitled thereto the controlling authority shall, on an application made to it in this behalf by the aggrieved person, issue a certificate for that amount to the Collector who shall recover the same, together with compound interest thereon at the rate of nine percent per annum, from the date of expiry of the prescribed time, as arrears of land revenue and pay the same to the person entitled thereto (Section 8).

14. Protection of Gratuity.— No gratuity payable under the payment of Gratuity Act and the rules made thereunder shall be liable to attachment in execution of any decree or order of any civil, revenue or criminal court. (Section 13).

15. Penalties for offences.— (1) Whoever, for the purpose of avoiding any payment to be made by himself or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or any false representation shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. (Section 9(1)).

(2) An employer who contravenes, or makes default in complying with, any of the provisions of the Act or any rule or order made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both:

Provided that if the offences relates to non-payment of any gratuity payable under the Payment of Gratuity Act, the employer shall be punishable with imprisonment for a term which shall not be less than three months unless the court trying the offence, for reasons to be recorded by it in writing, is of opinion that a lesser term of imprisonment or the imposition of a fine would meet the ends of justice. Section 9(2)).

16. Display of notice.— The employer shall display conspicuously a notice at or near the main entrance of the establishment in bold letters in English and in the language understood by the majority of the employees specifying the name of the Officer, with designation authorised by the employer to receive on his behalf notices under the Payment of Gratuity Act or the rules made thereunder. (Rule 4).

17. Display of abstract of the Act and Rules.— The employer shall display an abstract of the Payment of Gratuity Act and the rules made thereunder in English and in the language understood by the majority of the employees at a conspicuous place at or near the main entrance of the establishment. (Rule 20).

Sd/-

LALFAK ZUALA

Deputy Secretary

File No. S. 70023/1/74-FPG

Notification

LD/1491/76

The following notification received from the Government of India, Ministry of Labour New Delhi, is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 1st April, 1976.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

Dated New Delhi 110001, 11th March, 1976

Notification

G. S. R. — The following draft of certain rules further to amend the Contract Labour (Regulation and Abolition) Central Rules, 1971, which the Central Government proposes to make, in exercise of the powers conferred by section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), is hereby published, as required by sub-section (1) of that section for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken up for consideration on or after a period of forty five days from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft rules before the date so specified will be considered by the Central Government.

1. These rules may be called the Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1976.

2. In the Contract Labour (Regulation and Abolition) Central Rules, 1971;

(i) in rule 25, in sub-rule (2) after clause (vii) the following clause shall be inserted, namely:

“(viii) the licensee shall, within seven days of the commencement and completion of each Contract work submit a return to the Inspector,

appointed under section 28 of the Act, intimating the actual date of the commencement or, as the case may be, completion of such contract work in Form VI A”;

(ii) in rule 81, after sub-rule (2), the following sub-rule shall be inserted, namely:—

“(3) Every principal employer shall, within seven days of the commencement or completion of each contract work under each contractor, submit a return to the Inspector, appointed under section 28 of the Act, intimating the actual dates of the commencement or as the case may be, completion of such contract work in Form VI B”;

(iii) in Form I, in item 6, after sub-item (c), the following sub-item shall be inserted, namely:—

“(cc) Estimated date of commencement of each contract work under each contractor”;

(iv) after Form VI, the following Forms shall be inserted, namely:—

«FORM VI-A

[See rule 25(2) (viii)]

Notice of commencement/completion of contract work

I/We, Shri/M/s. ... (Name and address of the contractor) hereby intimate that the contract work ... (name of work) in the establishment of ... (Name and address of principal employer) for which licence No. ... Dated ... has been issued to me/us by the Licensing Officer ... (Name of the Headquarter), has been commenced/completed with effect from ... (Date)/on ... (Date).

Signature of the Contractor(s).

To

The Inspector,

...

...

Form VI-B

[See rule 81(3)]

Notice of commencement/completion of contract work

1. Name of the principal employer and address
2. No. and date of certificate of Registration
3. I/We hereby intimate that the contract work ... (Name of work) given to ... Name and address of the Contractor) having Licence No. ... Dated ..., has been commenced/completed with effect from ... (Date)/on ... (Date).

Signature of the Principal Employer

To

The Inspector,

...

... ».

K. D. GANDHI

Under Secretary

(F. No. S. 16025(32)/73-LW)

Notification

LD/1018/76

The following notification received from the Government of India, Ministry of Shipping and Transport

New Delhi, is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 6th March, 1976.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF SHIPPING AND TRANSPORT

(NAUVAHAN AUR PARIVAHAN MANTRALAYA)

Transport Wing

Parivahan Paksha

New Delhi, the 17th December, 1975

Notification

G. S. R. — Whereas the draft of the Motor Vehicles (National Permits) Rules, 1975, was published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939) at pages 2111 to 2116 of the Gazette of India, Extraordinary Part II, Section 3, sub-section (i), dated the 15th October, 1975, under the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. GSR. 521(E) dated the 15th October, 1975, inviting objections and suggestions from all persons likely to be affected thereby upto a period of 45 days from the date of publication of the said notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 18th October, 1975.

And whereas the objections and suggestions received on the said draft rules have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by sub-section (15) of section 63 of the said Act, the Central Government hereby makes the following rules, namely:—

1. *Short title, extent and commencement.*— (1) These rules may be called the Motor Vehicles (National Permits) Rules, 1975.

(2) They shall extend to the whole of India.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) “Act” means the Motor Vehicles Act, 1939 (4 of 1939);

(2) “authorisation” means a document issued by an appropriate authority to a public carrier authorising him to operate as a public carrier throughout the territory of India or in such contiguous States as are specified in the national permit granted to him;

(c) “Schedule” means a Schedule appended to these rules;

(d) “section” means a section of the Act.

3. *Form, contents and duration etc. of the authorisation.*— (1) An application for the grant of an

authorisation shall be made in the form set forth in the First Schedule.

(2) Every authorisation shall be in the form set forth in the Second Schedule.

(3) The period of validity of an authorisation shall not exceed one year at a time.

4. *Authorisation fee.*—(1) The fee for the grant of an authorisation shall be Rs. 500/- per annum and every application for the grant of the same shall be accompanied by a bank draft for the said amount in favour of the appropriate authority.

(2) The fee paid under sub-rule (1) shall be returned in full to an applicant who is not granted a national permit.

5. *Maximum laden weight of a motor vehicle for the grant of a national permit.*—No public carrier shall be granted a national permit in respect of a motor vehicle which has a registered laden weight of more than 16,000 kgs. in the case of a rigid chassis vehicle or 20,000 kgs. in the case of an articulated vehicle or a tractor-trailer combination.

6. *Age of the motor vehicle for the purposes of a national permit.*—(1) A national permit shall not be granted in respect of a motor vehicle which is more than four years old on the date of initial grant of the permit or is more than nine years old at any other point of time.

(2) When a vehicle covered by a national permit is proposed to be replaced by another vehicle, the latter vehicle shall be not more than four years old on the date of such replacement.

7. *Distinguishing particulars to be exhibited on the motor vehicle.*—(1) A motor vehicle plying under a national permit shall be painted in brown colour with 30 cms. broad white borders and the letters "National Permit" shall be inscribed on two sides of the vehicle in bold letters within a circle of 60 cms. diameter.

(2) A board with the following inscriptions and with blue letters on white background shall be carried in the motor vehicle, such board being clearly visible above the "Public Carrier" board, namely:—

"National Permit valid in the State(s) of ..."

8. *Bill of Lading to be carried by the motor vehicle.*—(1) A motor vehicle plying under a national permit shall at all times carry a Bill of Lading in the form set forth in the Third Schedule.

(2) Carriage of goods not in conformity with the declaration in the Bill of Lading shall be construed as an infringement of the conditions of the national permit, rendering the national permit holder liable for action under section 60.

9. *Quarterly Return to be filed by a national permit holder.*—A national permit holder shall file a quarterly return, in respect of the motor vehicle covered by these rules in the form set forth in the Fourth Schedule to the appropriate authority of the State in which the national permit is issued and the said authority, in turn, shall forward copies thereof to the appropriate authorities of the other States concerned.

10. *Matters to be borne in mind by the appropriate authority while granting a national permit.*—In addition to the matters specified in section 55 and section 63, the appropriate authority shall, in granting a national permit, bear in mind the following matters, namely:—

(a) the contribution of the applicants to movement of goods between the States in the interest of the public;

(b) the experience of the applicants in the movement of goods on the basis of Regional, State and inter-State region permits;

(c) in the case of granting national permits to those holding inter-State permits, whether they have surrendered the required number of the latter permits so as to fall within the limits laid down in sub-section (13) of section 63.

THE FIRST SCHEDULE

[See rule 3(1)]

Form of application for grant of authorisation

The Regional/State Transport Authority

I/We, the undersigned, hereby apply for the grant of authorisation valid throughout the territory of India/in the State of ...

(Here write the names of the States applicable)

1. Name of the applicant(s) in full (starting with surname, if any)
2. Name of father or husband (in the case of an individual)
3. Complete address.
4. Registration mark of the motor vehicle.
5. Engine number of the motor vehicle.
6. Chassis number of the motor vehicle.
7. Original permit number of the motor vehicle.
8. Permit issuing authority of the motor vehicle.
9. Make of the motor vehicle.
10. Registered laden weight of the motor vehicle.
11. Unladen weight of the motor vehicle.
12. Pay load of the motor vehicle.
13. Year of manufacture and type and model of the motor vehicle.
14. Date of registration of the vehicle.
15. Period for which the authorisation is sought from ... to ...
16. I/we enclose Bank Draft(s) as described hereunder towards payment of the authorisation fee:

S. No.	Name of the State	Amount paid	Particulars of Bank Draft(s) and Date	Date of payment
(1)	(2)	(3)	(4)	(5)

17. I hereby declare that I own ... (here enter the necessary information) public carrier permits for inter-State regions and have applied for ... (here enter the necessary information) such permit(s) on the date of this application.
18. I also declare that I have not made any such application for any inter-State region or national permit in any other State.

Date ...

Signature or thumb impression
of applicant(s)

* Strike out whichever is not applicable:

THE SECOND SCHEDULE

[See rule 3(2)]

Authorisation

This authorisation is valid throughout the territory of India/in the States of ...

(Here write the names of the States applicable).

1. Name in full —
(Starting with surname, if any).
2. Complete address of holder of the National Permit.
3. Registration mark of the motor vehicle.
4. Engine number of the motor vehicle.
5. Chassis number of the motor vehicle.
6. Permit number of the motor vehicle.
7. Name of the permit issuing authority.
8. Make of the motor vehicle.
9. Registered laden weight of the motor vehicle.

10. Unladen weight of the motor vehicle.
11. Pay load of the motor vehicle.
12. Year of manufacture of the motor vehicle.
13. Period of validity of the authorisation From ... to ...

(Seal of the Appropriate Authority) (Signature of the Appropriate Authority)

(On the Reverse)

Certificate of payment of authorisation fee:

S. No.	Name of the State	Amount Paid	Particulars of Bank Draft and Date	Date of payment	Period for which paid
(1)	(2)	(3)	(4)	(5)	(6)

Signature and seal of the Appropriate Authority.

THE THIRD SCHEDULE

(See rule 8)

Bill of Lading

Name and Address of the National Permit holder ...

Registration number of the motor vehicle ...

Bill No. ...
Date ...

Name of the consigners ...

Name of the consignee ...

Destination:

Number of articles	Description of goods	Cwt K.G.	Freight charges paid		Freight charges to pay		Total
			Rs.	Paise	Rs.	Paise	
Signature of the consigner			Signature of the Carrier				
f At carrier's risk							
At owner's risk.							
Value of the goods Rs. ...							
Delivery at ...							

Bill No. ... date ...

Received ... Package ...

From ... Truck No. ...

Signature of the consignee.

Bill No. ... date ...
Received ... Package ...
From ... Truck No. ...
Signature of the consignee.

Note: The Bill of Lading shall be in the proforma given above and shall be in quadruplicate, the original (white) to be carried in the motor vehicle, the duplicate (light green) for the consigner, the triplicate (pink) for the consignee and the fourth copy (cream yellow) for record of the national permit holder.

f Strike out whichever is not applicable.

THE FOURTH SCHEDULE

(See rule 9)

Quarterly Return

1. Name and complete address of the National Permit holder.
2. Registration mark of the motor vehicle.
3. National Permit No.

Summary of trips made during the quarter

Month	Total distance covered in the State of *	Total distance of operation	Remarks
(1)	(2)	(3)	(4)

Signature of the National Permit holder.

Date ...

* Mention the names of the States applicable.

Note: In the remarks column, state reasons for low or high running in any particular State or States and any other factors which caused low operation.

N. R. REDDY

Joint Secretary to the Government of India.

[No. TGS(22)/75]

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/845/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 9th April, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu (Legislative Diploma No. 1682 dated 29th November, 1956) (Repeal) Bill, 1976

(Bill No. 17 of 1976)

A

BILL

to repeal the Legislative Diploma No. 1682 dated 29th November, 1956.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu (Legislative Diploma No. 1682 dated 29th November, 1956) (Repeal) Act, 1976.

(2) It shall be deemed to have come into force on the 20th day of December, 1961.

2. *Repeal.*— The Legislative Diploma No. 1682 dated 29th November, 1956 is hereby repealed.

Statement of Objects and Reasons

The Legislative Diploma No. 1682 of 29-11-1956 was enacted by the erstwhile Portuguese Government of Goa, Daman and Diu and provided by way of subsidy for a payment of Rs. 36,000/- per annum to M/s. Hotel Mandovi by that Government. The reasons of the grant of subsidy was that there was no hotel in Goa of the standard meant for catering the needs of foreign tourists in Goa. With a view to meeting such a need the Portuguese Government had agreed to grant the aforesaid subsidy for a period of ten years from the date of passing of the Diploma as an incentive to the Hotel Management for maintaining a high international standard.

After liberation, i.e. in December 1961 the circumstances were completely changed. As there was no justification for such grant and with the object to save unnecessary expenditure, the present Government discontinued the grant of subsidy with effect from 20-12-1961. It is necessary now to move a bill for repealing the aforesaid Diploma with retrospective effect i.e. from 20-12-1961.

Financial Memorandum

The bill repealing the Diploma Legislative No. 1682 dated 29-11-1956 does not involve any financial implication to the Government treasury or funds. On the contrary, the Government will save a needless expenditure of a colossal amount by moving this bill.

Panaji,
1st April, 1976.

Assembly Hall,
Panaji,
6th April, 1976.

SHASHIKALA KAKODKAR
Chief Minister

M. M. NAIK
Secretary to the Legislative Assembly
of Goa, Daman and Diu